

**Appl. No.** : **10/043,688**  
**Filed** : **January 10, 2002**

## **REMARKS**

In response to the Office Action mailed June 28, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. By this paper, Claims 1-38 and 53-133, which were previously withdrawn, have now been cancelled; Claims 39-42, 45, 47, and 49 have been amended and new Claims 134-142 have been added. Accordingly, Claims 39-52 and 134-142 are currently pending.

### **Discussion of the Title**

The Examiner indicates that a new title is required. By this paper, Applicant has provided a replacement title. Removal of this objection is respectfully requested.

### **Discussion of the Drawings**

The Examiner indicates that in Figure 4, the amplifier that produces RF 50 shows a plus sign and a negative sign, but should only have two plus signs. However, Applicant respectfully asserts that the amplifier symbol is a standard symbol that does not necessarily limit the functionality of the amplifier. Thus, the amplifier symbol in Figure 4 may accurately represent an amplifier that outputs a summation of two or more inputs. In order to expedite prosecution of this case, however, Applicant has amended Figure 4 to replace the amplifier symbol with a symbol for a summing circuit. Removal of this objection is respectfully requested.

### **Discussion of Claim Objections**

Claim 41 is objected to as not providing positive antecedent basis for "the investigational feature." With the amendment of Claims 39 and 41 presented in this paper, Applicant believes the terms of Claim 41 have proper antecedent basis.

Claim 49 is objected to because the claim does not end with a period. By this paper, Claim 49 has been amended so that it ends with a period.

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**Discussion of Claim Rejections under 35 U.S.C. 102**

Claims 39-44 and 49-52 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted Prior Art disclosed by the applicants in the specification on pages 1-8 and with reference to Figures 1-7. In view of the above claim amendments and the following comments, Applicant respectfully requests reconsideration of these claims.

Claim 39, as amended, recites:

A method of acquiring information regarding one or more investigational features related to a biological sample on an optical bio-disc, the method comprising:

acquiring a plurality of analog signals from an optical disc assembly using one or more photo detectors;

summing a first subset of the plurality of analog signals to produce a sum signal, wherein the sum signal is indicative of one or more investigational features related to the biological sample; [and]

processing the sum signal to acquire information regarding the one or more investigational features related to the biological sample.

The Prior Art disclosed in the present application does not teach the above-recited combination of features. For example, the Prior Art disclosed in the present application does not teach or suggest at least the element of "processing the sum signal to acquire information regarding the one or more investigational features related to the biological sample." Additionally, the cited art fails to teach the combination of elements recited in amended Claim 39.

Claims 40-44 and 49-52 depend from Claim 39 and are, therefore, believed to be allowable for at least the reasons discussed above with reference to Claim 39 as well as their own patentable features. Reconsideration of Claims 39-44 and 49-52 is respectfully requested.

In the Office Action, Claims 45-48 were objected to as being dependent upon a rejected base claim. The Office Action further indicates that Claims 45-48 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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By this paper, Claim 45 has been rewritten in independent form. Amended Claim 45 recites, in pertinent part, a method comprising “by-passing said sum signal around said demodulation/decode function by creating a path from said analog-to-digital converter function to said output interface function.” Applicant respectfully asserts that the admitted Prior Art disclosed by the Applicant in the specification fails to teach at least this feature.

By this paper, Claim 47 has been rewritten in independent form. Amended Claim 47 recites, in pertinent part, a method comprising “creating a path from said analog-to-digital converter function to said output interface function so that said sum signal is unprocessed by said demodulation/decode function.” Applicant respectfully asserts that the admitted Prior Art disclosed by the Applicant in the specification fails to teach at least this feature.

Claims 46 and 48 depend from Claims 45 and 47, respectively, and are believed to be allowable for at least the reasons described above with respect to their base claims, as well as their own patentable features. Reconsideration of Claims 45-48 is respectfully requested.

#### **Discussion of New Claims**

New Claims 134-142 have been added. Applicant submits that these claims are supported by the specification as filed and do not add new matter to the application. Furthermore, Applicant submits that the cited art fails to teach the combination of features in each of the new Claims 131-142. Accordingly, consideration of Claims 131-142 is respectfully requested.

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### CONCLUSION

The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, comments in support of the patentability of the pending claim set are presented above. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


Respectfully submitted,

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Dated:

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### **AMENDMENTS TO THE DRAWINGS**

In order to expedite prosecution of this case, Applicant has amended Figure 4 to replace the amplifier symbol that provides output 50 with a symbol for a summing circuit.